IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3689 OF 2005

Madhukhar Dattaram Narkar ...Applicant

Vs.

The State of Maharashtra ...Respondent

Shri.C.G. Gavnekar for the Applicant.
Ms. U.V. Nikam A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JUNE 30, 2005.

P.C.:

1. Heard Counsel appearing for the parties. The learned Counsel for the Applicant submitted that the Bail Application before the learned Sessions Judge was filed after the chargesheet was filed. He submitted that the order passed by the learned Sessions Judge on the Bail Application shows non-applcation of mind in as much as order indicates that not a single document is considered by the learned Sessions Judge.

2. It is true that while considering the Application for grant of Bail, the learned Sessions Judge was not required to record any findings. Nevertheless, consideration of material on record was certainly necessary for examining the merits of the case made out in the Bail Application. The learned Sessions Judge has recorded only one ground for rejection of

Application. The said ground is

that looking to the seriousness of the offence which is in the nature of gang-rape, the Accused should not be enlarged on bail. In my view, the Application is dealt with in very unsatisfactory manner and therefore, the Application for bail deserves to be heard afresh by the learned Sessions Judge.

3. Hence, this Application is disposed of by passing following order:

: O R D E R :

i) The order dated 26th May, 2005 passed by the learned Sessions Judge in Cri.Misc. Application No.309 of 2005 is quashed and set aside and the learned Sessions Judge is directed to hear and decide the said Application afresh in the light of the observations made in this order. The Application shall be decided afresh within a period of three weeks from the date of production of authenticated copy of this order.

ii) All contentions on merits are kept open.

iii) Parties and concerned court to act upon an

authenticated copy of this order.

JUDGE